

DATE: February 23, 2006

TO: Office of Drinking Water Staff

THROUGH: J. Wesley Kleene, Ph.D., P.E., Director
Office of Drinking Water

FROM: John I. Capito, P.E., Chairman
M/DBP Rule Team

SUBJECT: Water – Surveillance & Regulations – Stage 2 DBP Rule 40/30 Certifications and Very Small System Waivers

Summary Statement:

This memo summarizes the procedures for issuance of a 40/30 Certification or a Very Small System (VSS) Waiver, as prescribed in the Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2), promulgated by EPA on December 15, 2005, published in the January 4, 2006, Federal Register and effective on March 6, 2006.

Background:

The requirements of the Initial Distribution System Evaluation (IDSE) of Stage 2 apply to all community waterworks and those nontransient noncommunity waterworks which serve at least 10,000 people, that:

- use a primary or residual disinfectant other than ultraviolet light, or;
- deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light.

All applicable waterworks must meet one of following four requirements in order to establish monitoring locations for compliance with the Stage 2 IDSE:

1. Submit Standard Monitoring Plan (§141.601).
2. Submit System Specific Study Plan (§141.602).
3. Submit 40/30 Certification (§141.603).
4. Receive a VSS Waiver from the State (§141.604).

This memo is concerned with requirements 3 and 4.

The following definitions apply to the implementation of this Rule:

Combined Distribution System (CDS) – the interconnected distribution system consisting of wholesale systems and consecutive systems that receive finished water.

Note the following may be excluded from the definition:

- 1) Consecutive systems:
 - (a) If they receive water on an emergency basis only, or;
 - (b) If they receive <10% of their total water consumption from another system.
- 2) Wholesale systems:
 - (a) If they sell water on an emergency basis only; or;
 - (b) If they deliver <10% of the total water used by a consecutive system.

Consecutive System – a public distribution system that receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

All consecutive waterworks which are part of a CDS must comply with the IDSE based on the schedule of the largest waterworks in the CDS.

Stage 2 provides the following schedule (§141.600 (c) (1)):

SERVICE POPULATION	40/30 CERTIFICATION SUBMITTAL DATE, OR VSS WAIVER ISSUANCE DATE
<i>Systems that are not part of a combined distribution system and systems that serve the largest population in the combined distribution system</i>	
≥100,000	October 1, 2006
50,000-99,999	April 1, 2007
10,000-49,999	October 1, 2007
<10,000 (CWS Only)	April 1, 2008
<i>Other systems that are part of a combined distribution system</i>	
Wholesale system or consecutive system	at the same time as the system with the earliest compliance date in the combined distribution system

40/30 Certification:

Systems that collected all the required TTHM and HAA5 compliance samples under Stage 1, and no individual sample exceeded 0.040 mg/L for TTHM or 0.030 mg/L for HAA5, may submit a “40/30 Certification” for VDH approval, though VDH may deny for cause. According to Stage 2 the TTHM/HAA5 data must be reviewed based on the start time listed in the following table:

If 40/30 Certification Is Due	Then 40/30 certification eligibility is based on eight consecutive calendar quarters of TTHM/HAA5 compliance monitoring results beginning no earlier than:
October 1, 2006	January 2004
April 1, 2007	January 2004
October 1, 2007	January 2005
April 1, 2008	January 2005
Unless on reduced TTHM/HAA5 monitoring and not required to monitor during the specified period. If no monitoring performed during the specified period, eligibility is based on compliance samples taken during the 12 months preceding the specified period.	

In order to assist the waterworks, VDH will do the following:

- 1) Using R&R to review the results of the TTHM/HAA5 history, identify the systems which are eligible for the “40/30 Certification”, and
- 2) Prepare the “40/30 Certification” form, attach a copy of the R&R TTHM/HAA5 history printout, and
- 3) Mail it to the owner for the signature and return to VDH.

A transmittal letter and a “40/30 Certification” template are provided in Appendix A-1 and A-2, respectively.

Once the 40/30 certification statement has been received, VDH will review and process it promptly. A sample 40/30 approval letter is found in Appendix A-3.

Very Small System (VSS) Waiver:

Community waterworks serving <500 people which have taken TTHM and HAA5 samples under Stage 1 are eligible for a VSS Waiver. In order to apply the VSS criteria consistently, VDH has established April 1, 2006, as the determination date for waterworks population (i.e., if a waterworks has a population of 500 or more as of April 1, 2006, it is not eligible for a VSS waiver). If no samples were collected, a waiver cannot be issued. If a waterworks is found to be eligible, VDH will issue the waiver. Otherwise, VDH shall inform the waterworks in writing that they must conduct Standard Monitoring or a System Specific Study, in accordance with Stage 2. The format for the VSS Waiver is given in Appendix B-1. Appendix B-2 provides a review sheet for evaluating the waterworks.

Schedule:

Since the waivers apply to existing systems, any waterworks in existence on April 1, 2006, will be eligible to submit a waiver. However if there are insufficient background samples to justify the waiver then they must continue with the Standard Monitoring or System Specific Study.

Any waterworks established after April 1, 2006, does not need to comply with the IDSE requirements.

Letters:

Copies of the final letters (Appendix A-3 and B-1) must be sent to:

LT2ESWTR and STAGE 2 DBPR
US EPA-IPMC
P O Box 98
Dayton, OH 45401-0098

Date

SUBJECT:
Water-
PWSID No.

Waterworks Owner

Address 1

Address 2

City, State, Zip

Dear *Waterworks Owner*:

The National Primary Drinking Water Regulations were amended on December 15, 2005, to include the Stage 2 Disinfectants – Disinfection Byproducts Rule. This Rule provides four options to establish sampling locations in the distribution system for compliance with the Initial Distribution System Evaluation. One of these options is the 40/30 Certification. The 40/30 Certification is available to waterworks that have had no TTHM or HAA5 monitoring violations and no individual sample result exceeded 0.040 mg/l for TTHM or 0.030 mg/l for HAA5 during the eight consecutive calendar quarter period [BEGINNING JANUARY 2004] (*for waterworks serving 50,000 or more*) or [BEGINNING JANUARY 2005] (*for waterworks serving <50,000*).

An examination of our records reveals that the subject waterworks has collected the required TTHM and HAA5 samples, and each result was equal to or less than 0.040 mg/L for TTHM and 0.030 mg/L for HAA5. Therefore this waterworks may submit a “40/30 Certification” to the State.

If you are in agreement with our findings, please complete the attached “40/30 Certification” and return it to this office by **(DEADLINE SHOWN IN THE FIRST SCHEDULE ON PAGE 2 OF THE WORKING MEMO)**.

If you have any questions, please call.

Sincerely,
District Engineer

Enclosure

cc: ODW-Central
Local Health Department

40/30 CERTIFICATION

Waterworks Name:

PWSID No.:

I have reviewed the attached history of TTHM/HAA5 for the eight consecutive calendar quarters beginning _____. I hereby certify that this waterworks has collected the required TTHM and HAA5 samples, and no individual sample result exceeded 0.040 mg/L for TTHM or 0.030 mg/L for HAA5. I further certify that this waterworks has incurred no TTHM/HAA5 monitoring violations during this time period.

Owner Signature:

Date:

Printed Name:

Title:

Attachment: Printout of the TTHM/HAA5 data for the specified time period.

For ODW use only:

After reviewing the above data and Owner's Certification this is to advise that this 40/30 Certification is:

Approved Disapproved

By _____

Field Director

Date

Date

Subject:

Water:

PWSID No.:

Waterworks Owner

Address

City, State, Zip

Dear Waterworks Owner:

Your 40/30 Certification submitted in accordance with the Stage 2 Disinfectants and Disinfection Byproducts Rule is approved and a copy is attached. You are required to keep this approved Certification for 10 years. In addition, you must make the Certification and all data upon which the Certification is based available for review by the public.

You must continue with the current monitoring for TTHM/HAA5 using the monitoring plan approved by this office on (DATE OF APPROVAL OF STAGE 1 PLAN). This office will advise you when monitoring required by Stage 2 will begin.

If you have any questions, please call.

Sincerely,

Engineering Field Director

Enclosure

cc: ODW–Central, Steve Pellei

IPMC

Local Health Department

Date

SUBJECT:

Water-

PWSID No.:

VERY SMALL SYSTEM WAIVER

GRANTED (or) DENIED

**to the Initial Distribution System Evaluation Requirements of the Stage 2
Disinfectant/Disinfection Byproducts Rule**

Waterworks Owner

Address 1

Address 2

City, State, Zip

Dear *Waterworks Owner*:

The National Primary Drinking Water Regulations were amended on December 15, 2005 to include the Stage 2 Disinfectants/Disinfection Byproducts Rule. *(SINCE THE SUBJECT WATERWORKS SERVES FEWER THAN 500 PEOPLE, AND THE TTHM AND HAA5 SAMPLES REQUIRED IN THE REGULATIONS HAVE BEEN TAKEN AND ANALYZED, THE REQUIREMENT FOR AN INITIAL DISTRIBUTION SYSTEM EVALUATION REQUIRED BY THIS RULE IS WAIVED. THE EXISTING TTHM AND HAA5 SAMPLE LOCATIONS, MONITORING FREQUENCY, AND MAXIMUM CONTAMINANT LEVELS WILL REMAIN UNCHANGED.) (or) (SINCE YOUR WATERWORKS HAS NOT COLLECTED THE REQUIRED TTHM/HAA5 SAMPLES THE INITIAL DISTRIBUTION SYSTEM EVALUATION (IDSE) REQUIRED BY THE RULE MUST BE PERFORMED.)*

If you have any question, please call.

Sincerely,

Engineering Field Director

cc: ODW – Central, Steve Pellei
IPMC
Local Health Department

**STAGE 2 DBP RULE – IDSE REQUIREMENT
VERY SMALL SYSTEM WAIVER EVALUATION**

City/County: _____
Waterworks: _____
PWSID: _____

Population	
Population served as of April 1, 2006	
Is system population less than 500?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Monitoring History	
Has system performed TTHM/HAA5 monitoring?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have there been any TTHM/HAA5 monitoring violations?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Summary	
Is there any reason to NOT grant a waiver to the IDSE requirement?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, discuss:	

DETERMINATION:

Waterworks **IS** **IS NOT** eligible for a VSS waiver.

EVALUATED BY:

Name & Title

Date